

**REMARKS**

In this response to the above-identified Office Action, Applicant respectfully requests reconsideration in view of the following remarks. No claims have been amended, added, or cancelled. Accordingly, claims 1-6 and 8-17 are pending in the application.

**Telephone Summary**

Applicant greatly appreciates the time and consideration of Examiner and Examiner's supervisor in clarifying procedural issues related the present application via telephone. Applicant had filed a Notice of Appeal on November 20, 2009. Upon further consideration, Applicant decided to continue prosecution of the application before Examiner. Examiner and Examiner's supervisor separately advised Applicant that Applicant may file a Request for Continued Examination along with a submission within two months of the Notice of Appeal in lieu of filing an Appeal Brief. Applicant sought to include a color diagram with the present reply to aid in presenting Applicant's arguments. Examiner and Examiner's supervisor separately advised Applicant that said diagram may be sent separately to Examiner at Examiner's email address, yong.sim@uspto.gov.

**Claims Rejected Under 35 U.S.C. § 103**

To establish a prima facie case of obviousness, the Examiner must show that the cited references, combined, teach or suggest each of the elements of a claim. See In re Vaeck, 947 F.2d 488, 20 USPQ.2d 1438 (Fed. Cir. 1991). Further, the combination of elements must be more than the predictable use of prior art elements according to their established functions. See KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, 127 S. Ct. 1727 (2007).

Claims 1-6, 8-12, and 14-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Int'l Pub. No. WO 01/95544 by Ben-David et al. (hereinafter "Ben-David") in view of U.S. Pat. No. 5,774,196 issued to Marshall (hereinafter "Marshall") and in view of U.S. Pub. No. 2002/0163527 by Park (hereinafter "Park"). Applicant respectfully disagrees for the following reasons.

**Claim 1** was previously amended to include, “wherein the adjustment includes minimizing one of yellow and purple color tinting of in the projected gray-level image.” Examiner asserts that this amendment is insufficient to distinguish Claim 1 from Marshall because “Marshall teaches a method of manually adjusting color wheel alignment.” *Office Action of 21 May, 2009 at p. 2*. Applicant respectfully disagrees for the following reasons.

Examiner cites Marshall, at col. 3, lines 43-50 to teach “a method of manually adjusting a color wheel delay of a spatial light modulator display system by a user by pressing buttons on a remote control ... A user who perceives a gray level image on a screen will activate the color wheel delay using an interface such as a remote.” However, Marshall does not teach a system or method incorporating a gray-level image for adjusting color wheel delay. The Marshall reference contains no mention of a gray-level image, and the technique described by Marshall instead relies upon user detection of excess levels of a primary color in hues formed exclusively by primary colors.

As noted by Examiner, the example embodiments disclosed by Marshall teach “‘color adjustment’ to reduce the phenomenon of the display *appearing bluish purple or reddish purple* which is caused by the delay of the color wheel delay to cause the colors to appear mixed.” *Office Action of 13 November, 2008 at p. 3* (emphasis added). In the cited example, the technique relies upon the user to detect excess levels of red or blue in comparison with a shade of magenta consisting of an equal proportion of red and blue. In contrast, the method and apparatus claimed by the present application rely upon the user to detect the presence of yellow or purple in an image intended to appear gray. As illustrated in the color diagram sent to Examiner separately, the distinctive advantage of the present invention over Marshall is the comparative ease of discerning traces of color in a grayscale image compared with discerning excess levels of blue or red in a hue consisting of a mixture of blue and red.

Applicant highlighted this distinction in prior correspondence by emphasizing the differentiating factor with underscored text: “[t]his color adjustment [technique of Marshall] is considerably different than adjusting to ‘minimize[ ] color tinting of [any]

projected gray-level image’ as required by the claim.” *Reply to Office Action of 28 April, 2008, at p. 7* (emphasis in original). Examiner misunderstood Applicant’s statement as “a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.” *Office Action of 13 November, 2008, at p. 4*.

Thus, applicant respectfully submits that Marshall does not teach or suggest each of the elements of independent Claim 1. Examiner has not relied upon, and Applicant has been unable to discern, any portion of Ben-David or Park that cure the deficiencies of Marshall.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claim 1 are requested.

**Claims 2-5** directly depend from Claim 1 and incorporate the limitations thereof. Thus, for at least the reasons discussed above with regard to independent Claim 1, Applicant respectfully submits that Marshall, Ben-David, and Park do not teach or suggest each of the elements of dependent Claims 2-5, either alone, in combination with, or in view of each other.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 2-5 are requested.

**Claim 6** contains limitations similar to those of Claim 1. Thus, for at least the reasons discussed above with regard to independent Claim 1, Applicant respectfully submits that Marshall, Ben-David, and Park do not teach or suggest each of the elements of dependent Claim 6, either alone, in combination with, or in view of each other.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claim 6 are requested.

**Claims 8-11** directly or indirectly depend from Claim 6 and incorporate the limitations thereof. Thus, for at least the reasons discussed above with regard to independent Claim 6, Applicant respectfully submits that Marshall, Ben-David, and Park do not teach or

suggest each of the elements of dependent Claims 8-11, either alone, in combination with, or in view of each other.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 8-11 are requested.

**Claim 12** contains limitations similar to those of Claim 1. Thus, for at least the reasons discussed above with regard to independent Claim 1, Applicant respectfully submits that Marshall, Ben-David, and Park do not teach or suggest each of the elements of independent Claim 12, either alone, in combination with, or in view of each other.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claim 12 are requested.

**Claims 14 and 15** directly depend from Claim 1 and incorporate the limitations thereof. Thus, for at least the reasons discussed above with regard to independent Claim 1, Applicant respectfully submits that Marshall, Ben-David, and Park do not teach or suggest each of the elements of dependent Claims 14 and 15, either alone, in combination with, or in view of each other.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 14 and 15 are requested.

**Claims 16 and 17** contain limitations similar to those of Claim 6. Thus, for at least the reasons discussed above with regard to independent Claim 6, Applicant respectfully submits that Marshall, Ben-David, and Park do not teach or suggest each of the elements of independent Claims 16 and 17, either alone, in combination with, or in view of each other.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 16 and 17 are requested.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable Marshall in view of Park.

**Claim 13** contains limitations similar to those of Claim 1. Thus, for at least the reasons discussed above with regard to independent Claim 1, and because Examiner has not cited and Applicant has been unable to discern any portion of Park that cures the deficiencies of Marshall, Applicant respectfully submits that Marshall and Park do not teach or suggest each of the elements of independent Claim 13, either alone, in combination with, or in view of each other.

Accordingly, reconsideration and withdrawal of the obviousness rejection of Claim 13 are requested.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 50-2421.

Sincerely,

Dated: 01/20/2010

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